

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANTHONY D. KOLTON, S. DAVID )  
GOLDBERG and JEFFREY S. SCULLEY, )  
individually and on behalf of a class of all others )  
similarly situated, )  
Plaintiffs, )  
v. ) No. 16-cv-3792  
MICHAEL W. FRERICHS, )  
Treasurer of the State of Illinois, )  
Defendant. )

**PLAINTIFFS' MOTION FOR PRELIMINARY  
APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT**

Plaintiffs, on behalf of themselves and the Rule 23(b)(2) Class they represent and proposed Plaintiff Henry C. Krasnow, on behalf of the putative Rule 23(b)(3) Settlement Class he seeks to represent, move this Court for an order (a) preliminarily approving the proposed class action settlement of the Plaintiffs' claims against Defendant, Michael Frerichs, Treasurer of the State of Illinois, (b) finding that the Rule 23(b)(3) Settlement Class is likely to be certified at final approval, and (c) setting a Fairness Hearing for final approval of the Settlement. Plaintiffs are also filing contemporaneously their unopposed Motion for Leave to file their Second Amended and Supplemental Complaint adding Henry C. Krasnow as named Plaintiff on behalf of the Rule 23(b)(3) Settlement Class.

The Agreement of Settlement was entered into after five years of litigation and arms-length negotiations, and is fair, reasonable, adequate, and likely to warrant final approval under the Seventh Circuit’s long-standing class settlement fairness factors and the requirements of Fed. R. Civ. P. 23(e)(2). Moreover, the proposed Rule 23(b)(3) Settlement Class satisfies, and is certifiable under, Fed. R. Civ. P. 23(a) and (b)(3). A copy of the Agreement of Settlement

(Exhibit 1), including the Exhibits to the Agreement, Proposed Preliminary Approval Order (Exhibit A), Rule 23(b)(3) Settlement Class Notice (Exhibit A-1), Summary Notice (Exhibit A-2) and Final Judgment (Exhibit B) are attached to this Motion. The Declarations of Class Representatives Anthony Kolton, S. David Goldberg and Jeffrey Sculley, and the Declaration of proposed Rule 23(b)(3) Settlement Class Representative, Henry C. Krasnow are attached as Exhibits 2, 3, 4 and 5. In further support of this Motion, Plaintiffs submit Plaintiffs' Memorandum of Law in Support of Motion for Preliminary Approval of Proposed Class Action Settlement.

For the above reasons, as well as those set forth in the supporting materials submitted herewith, Plaintiffs' Motion should be granted, and the Court should enter an order in the form proposed preliminarily approving the settlement.

Respectfully submitted,

/s/ Terry Rose Saunders  
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*Counsel for Plaintiffs and the Rule 23(b)(2)  
Class and the Rule 23(b)(3) Settlement Class*

Dated: July 13, 2021